



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **R. MARTIN EMANUELE ET AL.**
Filed of: **October 15, 1993**
For: **THERAPEUTIC DELIVERY COMPOSITIONS**
AND METHODS OF USE THEREOF

Attorney's Docket No. 19720-0620

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9 (f) AND 1.27 (c)) - SMALL BUSINESS CONCERN

I hereby declare that I am:

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: **CYTRX CORPORATION**

ADDRESS OF CONCERN: **150 TECHNOLOGY PARKWAY
NORCROSS, GEORGIA 30092**

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41 (a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal years, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above, with regard to the invention entitled "THERAPEUTIC DELIVERY COMPOSITIONS AND METHODS OF USE THEREOF" by inventor(s) **R. MARTIN EMANUELE, HAMEEDSULTHAN S. ALLAUDEEN and KONSTANTIN G. KOUSOULAS** described in

- ☐ the specification filed herewith
☒ application Serial No. 08/138,271, filed October 15, 1993
☐ patent No. _____, issued _____

The rights held by the above identified small business concern are not exclusive.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: **R. Martin Emanuele**

TITLE OF PERSON OTHER THAN OWNER: **Vice President, Preclinical Research and Development**

ADDRESS OF PERSON SIGNING: **150 Technology Parkway, Norcross, Georgia 30092**

DATE 4/25/94 SIGNATURE R. Martin Emanuele

DECLARATION AND POWER OF ATTORNEY

Attorney's Docket No. 19720-0623

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **Therapeutic Delivery Compositions and Methods of Use Thereof** the specification of which:

☐ is attached hereto.

☒ was filed on June 24, 1998 as Application No. 09/104,088 (if applicable) and was amended on _____.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I do not know and do not believe that the same was ever known or used by others in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the date of this application. I further state that the invention was not in public use or on sale in the United States of America more than one year prior to the date of this application. I understand that I have a duty of candor and good faith toward the Patent and Trademark Office, and I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d) of the foreign application(s) for patent or inventor's certificate listed below, and have also identified below any foreign application for patent or inventor's certificate disclosing subject matter in common with the above-identified specification and having a filing date before that of the application on which priority is claimed:

<u>Application No.</u>	<u>Country</u>	<u>Filing Date</u>	<u>Priority Claimed Under 35 USC §119</u>
			Yes _____ No _____

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

<u>(Application No.)</u>	<u>(Filing Date)</u>	<u>(Application No.)</u>	<u>(Filing Date)</u>
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I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter disclosed and claimed in the present application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status: patented, pending, abandoned</u>
08/926,297	September 5, 1997	abandoned

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

POWER OF ATTORNEY: The following attorneys are hereby appointed to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Anthony B. Askew - 24,154; Roger T. Frost - 22,176; Jeffrey E. Young - 28,490; Robert E. Richards - 29,105; John R. Harris - 30,388; Stephen M. Schaezel - 31,418; Larry A. Roberts - 31,871; Thomas A. Hodge - 22,602; Gregory T. Gronholm - 32,415; Dale Lischer - 28,438; Peter G. Pappas - 33,205; James Dean Johnson - 31,771; W. Scott Petty - 35,645; Daniel J. Warren - 34,272; Leona G. Young - 37,266; Jamie L. Greene - 32,467; Holmes J. Hawkins III - 38,913; Mary Anthony Merchant - 39,771; Michael J. Mehrman - 40,086; William L. Warren - 36,714; Brenda M. Ozaki - 40,339; James D. Withers - 40,376; M. Todd Mitchem - 40,731; Kimberly J. Prior - 41,483; William B. Lafferty - 39,259; Theodore M. Green - 41,801; Christopher J. Leonard - 41,940; John E. Whitaker - 42,222; Christos S. Kyriakou - 42,776; John K. McDonald - 42,860; Michael S. Pavento - 42,985; Suzanne Seavello Shope - 37,933.

Send correspondence to: **JONES & ASKEW, LLP**
191 Peachtree Street, N.E., 37th Floor
Atlanta, GA 30303-1769

Direct telephone calls at (404) 818-3700

Mary Anthony Merchant, Ph.D.

Full name of sole or first inventor: <u>R. Martin Emanuele</u>	Citizenship: <u>USA</u>
Inventor's signature: <u>[Signature]</u>	Date: <u>9/24/98</u>
Residence and Post Office Address: <u>5320 North Hillbrook Trace, Alpharetta, Georgia 30201</u>	

☒ Additional inventors are being named on separately numbered sheets attached hereto.

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Attorney's Doc. No. 19720-0623

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Mary Anthony Merchant, Ph.D.

Full name of sole or first inventor: Konstantin G. Kousoulas	Citizenship: USA
Inventor's signature: <i>Konstantin G. Kousoulas</i>	Date: 10/8/98
Residence and Post Office Address: 10543 N. Myrtle Lake Avenue, Baton Rouge, Louisiana, 70810	

☒ Additional inventors are being named on separately numbered sheets attached hereto.

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Mary Anthony Merchant, Ph.D.

Full name of sole or first inventor: Hameedsulthan S. Allaudeen	Citizenship: USA
Inventor's signature: <i>Hameedsulthan S. Allaudeen</i>	Date: 10-21-98
Residence and Post Office Address: 5211 Oakbrook Drive, Durham, NC 27713	

☒ Additional inventors are being named on separately numbered sheets attached hereto.